



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	129	Child Protection Investigations	12-13-2011
Subchapter:	2	Child Protection Investigation Process	
Section	4	Evidence needed to support a finding (N.J.A.C. 10:129-2.4)	

§10:129-2.4 Evidence needed to support a finding

(a) The child protective investigator shall, in completing the investigation of a report containing one or more allegations of abuse or neglect, as specified in N.J.A.C. 10:129-2.2:

1. Obtain evidence whether the child has an injury or condition;
2. Obtain evidence whether the injury or condition is a direct result of one of the following:
 - i. Some action by a parent or guardian;
 - ii. The failure of a parent or guardian to stop the action of another person; or
 - iii. The parent or guardian's reckless disregard of a harmful situation;
3. Obtain a detailed explanation from the alleged child victim, the alleged perpetrator, each witness and each other person with knowledge of the injury or condition;

4. Document the final police investigation result, if any, whenever there is police involvement in the investigation; and

5. Document each verbal statement by the police and the request for the police report, whenever there is police involvement in the investigation and a police report is not made or is unavailable.

(b) The child protective investigator shall, in completing the investigation of a report containing one or more allegations of abuse specified in N.J.A.C. 10:129-2.2(a) and (b), except substantial risk of physical injury or environment injurious to health and welfare and risk of harm due to substance abuse by a parent or guardian or child:

1. When there is not a clear preponderance of evidence regarding the allegation, obtain a medical opinion which states whether the explanation given by the parent or guardian for the injury or condition is inconsistent with the injury or condition and that the most likely manner in which the injury or condition occurred was abuse; or

2. Obtain a statement by the alleged perpetrator that he or she has admitted causing the injury or condition.

(c) The child protective investigator shall, in completing an investigation of a report containing an allegation of sexual penetration, sexual exploitation, or sexual molestation:

1. Document the consistency between each statement and any existing physical evidence;

2. Assess, for each allegation listed in (c) above as well as for an allegation of substantial risk of sexual injury, the credibility of each subject involved in the investigation and document reasons for the assessment for example, demeanor of witness, consistency of reports over time, and

3. Obtain, for each allegation listed in (c) above as well as for an allegation of substantial risk of sexual injury, a statement from a mental health professional, which does or does not corroborate behavioral or emotional problems when the child's emotional or behavioral problems are used to corroborate the information used to make the finding.

(d) The child protective investigator shall, in completing an investigation of a report containing one or more allegations specified in N.J.A.C. 10:129-2.2(a) and (b), obtain circumstantial evidence which identifies the most likely perpetrator if multiple alleged perpetrators are identified.